

Exhibit 5
to the
Declaration of Steve Gallant

REDACTED

From: RThompson@fbm.com [mailto:RThompson@fbm.com]
Sent: Monday, July 23, 2007 1:50 PM
To: Gallant, Steve
Subject: RE: Mediation Confidentiality
Importance: High

Steve, I managed to catch the Visa folks before they boarded airplanes. We believe that in light of Maritz surprise about Visa's claim for damages, it makes sense not to rush into a meeting without an agreement on the details of the process. So the meeting tomorrow is off.

Visa will provide the information either in writing, by teleconference or perhaps in person when both sides think it will be productive to meet. I will give you a call to confirm and discuss next steps.

Rod

-----Original Message-----

From: Gallant, Steve [mailto:Steve.Gallant@maritz.com]
Sent: Monday, July 23, 2007 11:37 AM
To: Thompson, Rod (27) x4445
Subject: RE: Mediation Confidentiality

Rod - a couple things: I assume California law allows us to deem this to be a mediation such that it is subject to Section 1115, et seq and I would like to make reference in here that our previous agreement is null and void but that the parties will endeavor to reach resolution on ADR procedures in the next ten or so days.

Steve

From: RThompson@fbm.com [mailto:RThompson@fbm.com]
Sent: Monday, July 23, 2007 12:20 PM
To: Gallant, Steve
Subject: Mediation Confidentiality

Steve, as discussed.

Exhibit 5

1/10/2008

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Farella Braun + Martel LLP

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1/10/2008